THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.14946 OF 2006

DATED: 25TH SEPTEMBER, 2006.

Between :

Syed Anwar Ali and another. .. Petitioners

And

The Registering Authority, Dy. Commissioner
And Regional Transport Authority, Adialabad. … Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.14946 OF 2006

ORDER :

The 1st petitioner herein who claimed to be the owner of Tata Indica Car bearing No.AP-10-P-1161, sold the same to the 2nd petitioner. Thereafter, the petitioners 1 and 2 made an application before the Registering Authority on 13-7-2006 for transfer of ownership of vehicle in favour of the 2nd petitioner. It is stated that the Deputy Transport Commissioner, who is the Registering Authority, though received the original documents including RC book of the car failed to register the same in favour of the 2nd petitioner as requested.

On the other hand, he had withheld the original RC book of the vehicle and issued an acknowledgment to the petitioners. Aggrieved by the said action, this writ petition is filed seeking a declaration that the action of the respondent is arbitrary and illegal.

In response to the notice ordered, the respondent filed a counter-affidavit stating that the vehicle in question was registered in the name of the 1st petitioner on 20-5-2006 on the strength of clearance certificate issued by the Additional Registering Authority, Nizamabad. However, in pursuance of the letter dated 7-6-2006 from the Unit Office, Nizamabad informing that one K. Linga Reddy approached the Unit Office, Kamareddy producing the original Registration Certificate of the vehicle in question claiming ownership and stating that somebodyelse had applied for a duplicate Registration Certificate and Clearance Certificate, an entry was made in the remarks column about

the alleged forged documents. Having noted the same, the application of the 1st petitioner for transfer of ownership could not be processed and the petitioners were issued acknowledgment by retaining the Registration Certificate. The petitioners were also advised to settle the matter with the previous owner and to get clearance from the Deputy Transport Commissioner, Nizamabad and then apply for transfer of ownership.

In the light of the circumstances explained in the counter-affidavit and having regard to the submissions made by the learned Counsel for the petitioners and the learned Government Pleader appearing for the respondent, I am unable to find fault with the action of the respondent in retaining the Registration Certificate. Hence, the relief as prayed for cannot be granted. However, the writ petition is disposed of with a direction to the respondent to complete the enquiry into the alleged forged documents expeditiously and to take necessary action in accordance with law. In the meanwhile, the petitioners are granted liberty to obtain clearance certificate from the Deputy Transport Commissioner, Nizamabad and then to make a fresh application for transfer of ownership in accordance with law.

Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J.

Dt. 25-9-2006
gbs
Note: - CC in 3 days.